**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE R.BASANT**

**TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929**

**Bail Appl..No. 7048 of 2007()**
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**(CRIME NO.709/2007 OF KAYAMKULAM POLICE STATION)**
**.....**

**PETITIONER/ACCUSED**
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**SANAL KUMAR, AGED 43 YEARS,**
**S/O.RAMACHANDRAN NAIR, VALIYATHU HOUSE,**
**KAPPIL MEKKU, KRISHNAPURAM, NOW RESIDING AT**
**VANCHI THAZHATHU HOUSE, KANJITHANNI, POTTANKAVU,**
**VELLATHOOVAL, DEVIKULAM TALUK.**

**BY ADV. SRI.S.MOHANAN**

**RESPONDENTS: COMPLAINANT**
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**STATE OF KERALA, REPRESENTED BY**
**THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,**
**REPRESENTED BY THE SUB INSPECTOR OF POLICE,**
**KAYAMKULAM POLICE STATION.**

**BY PUBLIC PROSECUTOR SRI.S.U.NAZER**

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**R.BASANT, J**

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**B.A.No. 7048 of 2007**

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Dated this the 20th day of November, 2007

**ORDER**

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Section 498A IPC. Crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the Police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The marriage took place in 2002. The spouses are not blessed with any children. There is strain in the matrimony. The learned Public Prosecutor submits that the victim has not suffered any external, physical injury.

3. The learned counsel for the petitioner prays the learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioner subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 27.11.2007.

ii) He shall be released on regular bail on condition that he

executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 28.11.07 and 29.11.2007 and thereafter on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 27.11.2007, he shall be released from custody on his executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 27.11.2007.

**(R.BASANT, JUDGE)**

sj

/TRUE COPY/

P.A.TO JUDGE